

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

RONALD A. SCHENA  
and RACHAEL SCHENA,

Debtors.

No. 11-09-13165-SA

**OBJECTION TO MOTION TO REFER CONTESTED PROCEEDINGS CONCERNING  
DEBTORS AND FIRST AMERICAN BANK TO MEDIATION**

COMES NOW First American Bank, by and through its counsel, the Law Office of George “Dave” Giddens, P.C., and objects to the Debtors’ Motion to Refer Contested Proceedings Concerning Debtors and First American Bank to Mediation (the “Motion”). As grounds for its objection, First American Bank states:

1. The Debtors and First American Bank already have a pending Arbitration which will resolve most, if not all, of the issues that the Debtors request be referred to mediation.
2. A scheduling conference in the Arbitration has already been set for September 30, 2010. There is no reason to mediate disputes that are already being resolved by the pending Arbitration.
3. The Motion indicates that counsel for First American Bank was contacted for concurrence in the Motion. Counsel for First American Bank was not contacted about concurring in the Motion.

WHEREFORE, First American Bank, Creditor, respectfully moves the Court for entry of an Order denying the Motion to Refer Contested Proceedings Concerning Debtors and First American Bank to Mediation, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Law Office of George "Dave" Giddens, P.C.

/s/Christopher M. Gatton,

Submitted electronically 9.29.10

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### **CERTIFICATE OF SERVICE**

I hereby certify that on the **29<sup>th</sup> day of September, 2010**, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

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Concurrently, notice was mailed by first class mail, postage prepaid, to:

Ronald and Rachael Schena  
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Albuquerque, NM 87122-3050

/s/Christopher M. Gatton  
Submitted electronically 9.29.10